

FORM SUMMARY

Name of Form:	Motion to Reopen Small Claims Judgment and Order
Form Number:	SC - 515

Statutory Reference:	§§799.11 and 799.29, Wisconsin Statutes
Benchbook Reference:	CV 42
Purpose of Form:	Used by plaintiffs or defendants who failed to appear at a small claims court proceeding even though they had notice of the hearing. The form allows such defendants to petition for a hearing to reopen the default judgment.
Who Completes:	Defendant
Distribution:	Original to court; copies to other parties.
Accompanying Forms:	None
New Form/Modification:	Modification; last update 07/04.
Modifications:	Added <input type="checkbox"/> under order between Motion and Hearing to say “Motion to reopen granted and prior judgment <input type="checkbox"/> stayed <input type="checkbox"/> vacated. A hearing in this case will be held on ____ (date) at ____ (time) ____ (courtroom) ____ (courthouse).” Changed “A hearing on the motion to reopen will be held on [date/time/courtroom]” and underneath: <input type="checkbox"/> and if reopening is granted, a hearing in this case will be held at the same time and place.” Updated ADA lang.
Comments:	<p>This form should be used where notice of hearing is NOT an issue (see SC-511 when notice IS an issue). For example, where the plaintiff or defendant was ill or forgot about the hearing this form could be used. The notice of motion must be made within 20 days of judgment in ordinance cases and twelve months in small claims cases unless improper venue is alleged, then notice must be made within one year of judgment.</p> <p>In order to reopen a default judgment, the defendant must show a meritorious defense (see J.L. Phillips & Associates v. E & H Plastic Corp., 217 Wis. 2d 348, 577 N.W. 2d 13 (1998)).</p>
About this Form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court’s Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of this form, attach it on a separate page. This form itself shall not be altered.</p>